

EXHIBIT 1



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COPY

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

TASHIA TAYLOR,

Plaintiff,

Vs.

Case No. 10-cv-243 TCK FHM

RIVERSIDE BEHAVIORAL HEALTH,
MIKE KISTLER, and MARGARET KOCH

Defendants.



**DEPOSITION OF TASHIA TAYLOR
TAKEN ON BEHALF OF THE DEFENDANTS
ON NOVEMBER 22, 2010, BEGINNING AT 8:55 A.M.
IN TULSA, OKLAHOMA**

APPEARANCES:

On behalf of the PLAINTIFF:

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On behalf of the DEFENDANTS:

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ALSO PRESENT: Jordan Cooke

REPORTED BY: D. Luke Epps, CSR, RPR

1 **Riverside?**

2 A Yes, he did.

3 **Q What did he say?**

4 A I don't remember.

5 **Q Why did he tell you about that opening?**

6 A Because I was looking for a job.

7 **Q Do you still plan to go to law school?**

8 A Yes, I do.

9 **Q When do you plan to do that?**

10 A In the near future.

11 **Q Make this Number 1, please. When were**
12 **you actually hired by Riverside?**

13 **(Exhibit 1 marked for identification)**

14 A July 11th of 2007.

15 **Q What was your position when you were**
16 **hired?**

17 A A mental health tech.

18 **Q Who did you interview with?**

19 A La Tanya Sales and I don't remember the
20 other guy's name.

21 **Q Was Mike Kistler the CEO when you were**
22 **hired?**

23 A Yes.

24 **Q Was Margaret Koch employed there when**
25 **you were hired?**

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1 A I don't remember. No, she was not. No,
2 she was not.

3 Q Why did you apply at Riverside?

4 A Because I was looking for a job.

5 Q What are the job responsibilities of a
6 mental health tech?

7 A I don't remember.

8 Q What did you do while you worked at
9 Riverside?

10 A Supervised patients.

11 Q Were the job descriptions explained to
12 you when you were hired?

13 A Yes.

14 Q I'll take that one back so you don't
15 have a big stack of documents by the end. Does
16 this appear to be the job description for a
17 mental health technician?

18 A Yes.

19 Q Is that your signature on the second
20 page?

21 A Yes, it is.

22 Q And are mental health technicians
23 referred to as MHTs?

24 A Yes.

25 Q You'll know what I mean if I say MHT

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1 today?

2 A Yes.

3 Q Will you take a look at this and let me
4 know if this accurately describes your job
5 responsibilities as an MHT during your time at
6 Riverside? If something is not accurate, please
7 just let me know. Can we mark this as 2 while
8 she's taking a look at it?

9 (Exhibit 2 marked for identification)

10 A I'm sorry. What was your question?

11 Q I asked you to take a look at the job
12 description and let me know if any of this
13 doesn't accurately describe your
14 responsibilities as an MHT at Riverside.

15 A It accurately describes the job duties.

16 Q Is that your signature on the document
17 that I just handed to you?

18 A Yes, it is.

19 Q What is this document?

20 A The Shadow Mountain Behavioral Health
21 Systems pre-employment considerations.

22 Q Is this something that was given to you
23 when you were first hired at Shadow Mountain to
24 give you an idea of what to expect in a position
25 of an MHT?

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1 A Yes.

2 Q They discussed the patient rights. You
3 were trained on Satori?

4 A Yes.

5 Q Mark that as 10, please. Is that your
6 handwriting at the top of this document?

7 (Exhibit 10 marked for identification)

8 A No.

9 Q Okay. Is that your handwriting on this
10 document?

11 A Yes, it is.

12 Q What is Satori?

13 A I don't remember.

14 Q Do you remember being trained in
15 something called Satori?

16 A Yes. Yes.

17 Q What was the training about?

18 A I don't remember. Deescalation.

19 Q How to deal with violent patients?

20 A Yes.

21 Q Alternatives to managing aggression?

22 A Yes.

23 Q Did you think Satori was important?

24 A Yes.

25 Q Did you think it was effective?

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1 A No.

2 Q Why not?

3 A Deescalation in my own personal opinion
4 works, but you have to have rapport with that
5 patient. The maneuvers we were taught during
6 Satori didn't work at all.

7 Q What sort of maneuvers were you taught
8 during Satori?

9 A I don't remember.

10 Q You just remember that they weren't
11 effective?

12 A Yes.

13 Q What method do you think would be more
14 effective? You mentioned to have rapport?

15 A Yes.

16 Q What does that mean?

17 A Just having a personal bond with that
18 patient. They have to trust you, respect you in
19 order for you to get them to comply.

20 Q Are you suggesting that if a patient is
21 acting violent, you try to talk to them instead
22 of physically trying to restrain them?

23 A Yes.

24 Q Did you use that method during your
25 employment at Riverside?

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1 A Yes.

2 Q Did it work?

3 A Yes.

4 Q Did you ever have a situation where
5 gaining a rapport with the patient didn't work
6 at Riverside?

7 A Yes.

8 Q And what did you do in that situation?

9 A Bring in another staff member.

10 Q Bring in another staff member to do
11 what?

12 A To see if they could assist the
13 de-escalate.

14 Q Mark this as 11, please. Is that your
15 handwriting on the top of this document?

16 (Exhibit 11 marked for identification)

17 A Yes.

18 Q And this is a Satori competency
19 assessment from 2008, is that correct?

20 A Yes.

21 Q Mark this as 12, please. Do you
22 remember being trained in avoiding kicks?

23 (Exhibit 12 marked for identification)

24 A Yes.

25 Q Do you remember being trained in dealing

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1 with hair pulls?

2 A Yes.

3 Q Do you remember being trained in dealing
4 with bites?

5 A Yes.

6 Q Did you use those methods during your
7 employment with Riverside?

8 A Hair pulling, yes.

9 Q How did you avoid hair pulling under the
10 Satori method?

11 A My hair was pulled out. It didn't work.

12 Q Do you have to deal with hair pulls at
13 your current job?

14 A Yes.

15 Q What method do you use there to avoid
16 it?

17 A We use a method called CCMS.

18 Q What is CCMS?

19 A I don't remember the acronym. We have
20 so many acronyms.

21 Q What is the purpose for CCMS?

22 A It's kind of like Satori except it's
23 better. It works.

24 Q How is it better than Satori?

25 A Satori was a bunch of nonsense. This is

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1 a way to help -- CCMS is a way that helps to
2 protect you from getting harmed. Satori should
3 have served that purpose, but in my own personal
4 opinion, it didn't.

5 Q Is this your handwriting on the document
6 I've just handed you?

7 A Yes, it is.

8 Q Is this a test you took regarding abuse
9 and neglect?

10 A Yes.

11 Q Did you receive training on abuse and
12 neglect?

13 A Yes.

14 Q Mark this as Number 13, please. Is this
15 your signature on the document I just handed
16 you?

17 (Exhibit 13 marked for identification)

18 A Yes.

19 Q Is this an acknowledgment that you
20 completed training on abuse and neglect?

21 A Yes.

22 Q Mark this as 14, please. Is this your
23 handwriting on the document I just handed you?

24 (Exhibit 14 marked for identification)

25 A Yes.

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1 Q Is this a written exam about decreasing
2 the risk of seclusion and restraint?

3 A Yes.

4 Q Do you remember receiving training on
5 decreasing the risk of seclusion and restraint?

6 A If that was Satori, yes.

7 Q Mark this as 15, please. What sort of
8 duties did you perform when you were initially
9 hired as an MHT at Riverside?

10 (Exhibit 15 marked as identification)

11 A Supervision of the patients,
12 rehabilitative group.

13 Q Okay. Walk me through a typical day.
14 What did you do when you first showed up in the
15 morning?

16 A I don't remember.

17 Q What is Riverside?

18 A It's an inpatient mental health
19 facility.

20 Q Are there adults and children there or
21 just children?

22 A Children and adolescents.

23 Q How old?

24 A The children, I'm not for sure what age.
25 Adolescents could range from the age of 11 to

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1 17.

2 Q Did you work with children and
3 adolescents?

4 A I mostly work with the adolescents.

5 Q What did you do when you showed up in
6 the morning?

7 A Shift change.

8 Q Did you clock in?

9 A Yes.

10 Q You used a time clock?

11 A Yes.

12 Q Then what did you do?

13 A Go to the unit.

14 Q What unit were you initially assigned
15 to?

16 A Initially I was assigned to the autism
17 unit.

18 Q Is that in a specific department?

19 A No.

20 Q Okay. When you say unit, what does that
21 refer to?

22 A I don't understand your question.

23 Q Is there a specific portion of the
24 facility that is only occupied by children and
25 adolescents with autism?

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1 A And Asperger's, yes, that particular
2 unit.

3 Q Are they separated from the rest of the
4 facility?

5 A No.

6 Q Are their rooms in a specific part of
7 the facility?

8 A Yes.

9 Q How long were you on the autism unit?

10 A For about six months.

11 Q Did you like the autism unit?

12 A I did.

13 Q What did you like about it?

14 A Mostly the kids.

15 Q What was your interaction with the kids?

16 A I don't understand your question.

17 Q I'm trying to get an idea of what you
18 did as far as your job duties are when you were
19 initially hired and were on the autism unit.

20 A It was basically the same. I was still
21 an MHT.

22 Q What does an MHT do? I've never worked
23 at a psychiatric facility.

24 A I don't recall. I can tell you that I
25 supervised them. I watched them. We did

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1 A I don't remember.

2 Q Who else besides the nurse did you
3 consider to be in a supervisory role?

4 A The clinical director.

5 Q Who was that?

6 A David Goodgame.

7 Q Anyone else?

8 A No.

9 Q Where did you move after you left the
10 autism unit?

11 A The south unit.

12 Q How did that transfer come about?

13 A They had an opening for Monday through
14 Friday, and I received a call from Grey
15 McKellar.

16 Q About what month would that have been
17 that you were transferred to the south unit?

18 A January of 2009. I'm sorry. 2008.

19 Q What types of patients are on the south
20 unit?

21 A We were called the trash can unit, so we
22 had a little bit of everything.

23 Q What does the trash can unit mean?

24 A I don't know. They just threw whoever
25 they wanted to on that unit. That's why they

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1 called it the trash can unit.

2 Q Did you want to be transferred to the
3 south unit?

4 A Yes.

5 Q Why did you want to be transferred to
6 the south unit?

7 A Because the hours were better.

8 Q Do you have autistic children in your
9 current position that you monitor?

10 A No.

11 Q Do you remember filling out this form
12 asking to be transferred from the autism unit?

13 A Yes.

14 Q Is that your signature on this document?

15 A Yes, it is.

16 Q Why did you indicate you wanted to be
17 transferred from the autism unit?

18 A "It is a better schedule for me. I am
19 really tired of getting beat up by the kids on
20 the autism unit."

21 Q Were you getting beat up by the kids on
22 the autism unit?

23 A Yeah. They were really aggressive.

24 Q You still liked it, though?

25 A Yes.

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1 Q Was the main reason for the transfer the
2 better hours?

3 A Yes.

4 Q You asked to go to the north unit, is
5 that correct?

6 A Yes.

7 Q What's the north unit?

8 A Just another unit.

9 Q Did they have a nickname?

10 A No.

11 Q What type of patients are on the north
12 unit?

13 A Mentally retarded, MR kids.

14 Q Are the same types of patients on the
15 north unit and the south unit?

16 A No.

17 Q What's the difference?

18 A The kids on the north unit were more
19 severely MR than those on the south unit.

20 Q Was the south unit a more desirable unit
21 than the north unit?

22 A No.

23 Q Why not?

24 A Because they were the trash can unit.
25 Nobody wanted to go there.

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1 Q So the more severely disabled children
2 on the north unit are better to work with than
3 the children on the south unit?

4 A Yes. They were less aggressive.

5 Q Mark that as 16, please. So you
6 requested to be transferred looks like November
7 of '07?

8 (Exhibit 16 marked for identification)

9 A Yes.

10 Q And then you were eventually transferred
11 around January of '08, you think?

12 A Yes.

13 Q You were happy with that transfer?

14 A I was happy with the hours, yes.

15 Q Do you think there was anything
16 discriminatory about the transfer from the
17 autism unit to the south unit?

18 A No.

19 Q Who was your supervisor on the south
20 unit?

21 A The nurse.

22 Q Do you remember the name of the nurse on
23 the south unit?

24 A I don't. It was one nurse for the
25 entire facility.

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1 Q Okay. Thank you. About how many
2 patients would there be at any one time at
3 Riverside?

4 A At first we started out with eight per
5 unit, so that was 32 because we only had four
6 units, and then we moved up to nine per unit
7 because they wanted the new building, and then
8 when the three units opened up in the new
9 building, so that's seven units and then we went
10 back to eight, so seven times eight is, what,
11 56, 72. I don't know.

12 Q Okay. How long were you on the south
13 unit?

14 A From January of '08 until May of '09.

15 Q So is that the remainder of your
16 employment?

17 A Yes.

18 Q Did you have any other supervisors?

19 A During the duration they made up
20 positions, unit coordinators, and there's
21 another one, but I don't remember the name of
22 it.

23 Q Do you remember who your unit
24 coordinator was?

25 A For a short time, it was Michelle

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1 Q You just happened to be working on the
2 same unit during the same hours is why you call
3 him your partner?

4 A Yes.

5 Q Do you consider Mr. Stone your friend?

6 A Yeah, I do.

7 Q Did you guys work together a lot back in
8 that time period?

9 A Yes, we did.

10 Q Did you help each other out during that
11 time period?

12 A What do you mean help each other out?

13 Q Assist each other at work?

14 A Assist each other how?

15 Q If you needed help with the patients,
16 did he help you?

17 A Yes.

18 Q Was there a process by which a patient
19 could file a complaint against an employee?

20 A Yes.

21 Q Were those complaints called grievances?

22 A Yes.

23 Q Did you ever have any grievances filed
24 against you?

25 A Yes.

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1 Q Do you remember when the first grievance
2 filed against you happened?

3 A I don't.

4 Q Have you ever seen this document before?

5 A No.

6 Q Do you remember receiving a grievance or
7 patient complaint that you hit and kicked her?

8 A No.

9 Q You mentioned that the patients referred
10 to you as TT, is that correct?

11 A Yes.

12 Q Do you ever remember discussing an
13 allegation with anyone at Riverside regarding
14 allegedly kicking or hitting a patient?

15 A No.

16 Q Mark this as 17, please. Let me know if
17 you need to take a break at some point.

18 (Exhibit 17 marked for identification)

19 A At about 10:40 I probably should go feed
20 the meter.

21 Q Okay. I think they all let you park in
22 this building and get it taken care of.

23 A Yeah. I didn't know that until she said
24 something.

25 Q Okay. We'll take a break then let's say

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1 Q Do you remember what happened in this
2 incident that resulted in this report to OCA?

3 A No.

4 Q Was Ms. Koch involved in any way in this
5 report to OCA that you're aware of?

6 A I don't know.

7 Q Mark this as 21. Have you ever seen
8 this document that I'm handing to you?

9 (Exhibit 21 marked for identification)

10 A This was another document that was in
11 the packet that I received for the unemployment
12 benefits appeal hearing.

13 Q This document refers to another
14 investigation by OCA, is that correct?

15 A Yes.

16 Q Do you recall an incident where a
17 patient complained that you urged her to hit her
18 head against the wall, degraded and escalated
19 patient to self-harm?

20 A Yes.

21 Q Do you remember being interviewed by OCA
22 regarding this incident?

23 A I do.

24 Q Do you remember when the incident that
25 led to this complaint occurred? Strike that.

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1 Do you recall the facts that led to this report?

2 A No.

3 Q Do you remember being involved in a
4 situation where a patient was hitting her head
5 against the wall?

6 A A lot of them do, yes.

7 Q Do you remember this particular
8 incident, though?

9 A Yes.

10 Q Okay. What happened in this incident?
11 And let's not use any patients' names during
12 this. Just say the patient.

13 A Well, this patient was upset and was
14 hitting her head on the wall.

15 Q What did you do?

16 A Tried to de-escalate her.

17 Q How did you try to de-escalate her?

18 A Tried talking to her. That was it. No
19 restraints or anything. Brought in other staff
20 members to talk to her, bring her down.

21 Q What other staff members were involved?

22 A Rachel, the nurse, and Michelle.

23 Q Did Riverside conduct its own
24 investigation and then OCA was called in?

25 A I don't know.

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1 Q What was the first notice you received
2 that there was an investigation regarding this
3 incident?

4 A There wasn't one. Ms. Stacy, Stacy
5 Bonham. She would always come and just ask me
6 some questions, so there wasn't a notice.

7 Q Who is Stacy Bonham?

8 A She was the lady from OCA who would
9 always come over and talk to the kids and then
10 talk to staff if she had any questions.

11 Q Do you know what her title was?

12 A I don't.

13 Q Was she a patient advocate?

14 A I don't know.

15 Q Is that what you understood her job
16 duties to be?

17 A Yes.

18 Q She worked for the State of Oklahoma,
19 Department of Human Services?

20 A I don't know.

21 Q Was that your understanding?

22 A I guess.

23 Q Was she a state employee?

24 A I don't know.

25 Q She would come and investigate

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1 **allegations of abuse at Riverside, is that**
2 **correct?**

3 A She would come in and investigate
4 anything, so I don't know if it was just abuse,
5 but, I mean, if she had a question, she'd ask.
6 I don't know.

7 Q Do you remember anyone who worked for
8 Riverside asking you about this incident?

9 A No.

10 Q Who is Brenda Phillips?

11 A She was a PRN.

12 Q PRN MHT?

13 A Yes.

14 Q Did you have any problems with
15 Ms. Phillips?

16 A No, except that she -- I liked her as a
17 person, but as a co-worker, I didn't like her.
18 She wasn't -- she didn't do much of anything.

19 Q Didn't think she was a --

20 A A good --

21 Q -- effective MHT?

22 A Yeah. I didn't. No, I didn't.

23 Q What sort of things did she do that you
24 didn't think were effective?

25 A I only worked with her maybe twice, and

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1 if the kids got out of line or if they were --
2 property aggression or anything, she would run
3 the other way instead of backing me and trying
4 to de-escalate the situation, and I didn't like
5 that.

6 Q Do you think you effectively
7 de-escalated the situation that we're discussing
8 on --

9 A I think I did as much as I could.

10 Q You're aware that OCA confirmed that
11 there was abuse in this situation?

12 A I found that out when I read this during
13 the hearing.

14 Q You were never made aware of this during
15 your employment at Riverside?

16 A No, I was not.

17 Q Mark this as 22, please. Did you have
18 any particular problems with any particular
19 patients at Riverside?

20 (Exhibit 22 marked for identification)

21 A Just one in particular. She just didn't
22 like me. She was always writing grievances,
23 always threatening to have me fired. She was
24 always angry about something.

25 Q Why do you think this particular patient

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1 remember any member of the Riverside staff
2 having a discussion with you about a complaint
3 that you erased a child's level from the board?

4 (Exhibit 25 marked for identification)

5 A No.

6 Q Do you remember a grievance where a
7 child complained that you took away all the
8 child's possessions including the child's Bible?

9 A I do. I remember she told me she wrote
10 it.

11 Q What happened in that situation?

12 A She was displaying some property
13 aggression and according to our unit handbook,
14 when they displayed property and physical
15 aggression, you remove all of their personal
16 belongings and according to Ms. Margie, who was
17 the therapist, except for in her case, her
18 glasses, which she needed, and their journals.
19 So everything was taken but her glasses and her
20 journal.

21 Q What is property aggression?

22 A They've torn their room apart, beating
23 on the door, punching holes in the walls, things
24 like that.

25 Q Did you call her the devil?

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1 being shut on someone.

2 Q What was that discussion about the
3 bathroom door being shut?

4 A From what I can remember, this patient
5 was acting out and wanted to get into her
6 bathroom, and her door was already shut, and I
7 wouldn't open it for her, so I don't -- I don't
8 really remember if -- I hope that's what it's
9 about because I don't really -- it's hard to
10 read this, so I don't know.

11 Q All right. Some of the children have
12 problems reading and writing?

13 A Yes.

14 Q Did you ever help a child write a
15 grievance or fill out a grievance for them?

16 A If they needed help spelling a word, I
17 would help them spell it.

18 Q Do you understand that was part of your
19 job?

20 A Yes.

21 Q Make that 29, please. Take a look at
22 that. Is this the investigation you were just
23 referring to where Ms. Bonham asked you about
24 whether you shut the door on somebody or pushed
25 them down on the ground?

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1 A No.

2 Q Do you remember being interviewed by
3 Ms. Bonham regarding that incident?

4 A Vaguely.

5 Q On Page 7 of 8 underneath the portion
6 that's a summary of your discussion with
7 Ms. Bonham, looks like it's, I guess, the third
8 paragraph there indicates that the resident does
9 not like you. Is this the same resident that we
10 were discussing earlier that you had a problem
11 with or that had a problem with you?

12 A I'm sorry. What was your question?

13 Q Do you see in the -- I guess it's the
14 second paragraph where it indicates that this is
15 a resident that does not like you, is this the
16 same patient we were talking about earlier?

17 A Yes.

18 Q That you had a particular problem
19 dealing with?

20 A That is correct.

21 Q Do you remember Ms. Koch trying to
22 organize some sort of meeting or mediation
23 between you and this particular patient?

24 A I do.

25 Q Why did Ms. Koch organize that meeting?

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1 A Because I had complained several times
2 that this child is targeting me and nothing is
3 being done about it. I don't know why this
4 child doesn't like me and it's a big issue on
5 the unit, and we had gone into Ms. Koch's office
6 to have a sit-down, but the patient refused to
7 talk about anything.

8 Q Do you think Ms. Koch was trying to help
9 resolve the issue between you and that patient?

10 A I do.

11 Q Mark this as 35, please. What did the
12 patients call Mr. Stone?

13 (Exhibit 35 marked for identification)

14 A Mr. Jamie.

15 Q Do you remember a grievance by a child
16 looks like alleging that you, "Made me pissed"?

17 A No.

18 Q "And lots of stuff to make me mad"?

19 A No.

20 Q Looks like it's a -- looks like there's
21 obviously handwriting that's not the child's. I
22 assume it's not your handwriting.

23 A No, it's not.

24 Q Do you know if Ms. Bonham ever helped
25 children fill out grievances?

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1 screaming and hollering, and she had come over
2 to see if she could help.

3 Q What do you recall about how this
4 investigation progressed? Was the first contact
5 with anyone investigating this Ms. Bonham?

6 A No. Actually, Mike Kistler had come to
7 me and said, "You're being investigated," and I
8 was like, "For what?" and he was like, "We've
9 got to move you to the north unit," and actually
10 it wasn't the north unit because one of their
11 workers didn't want to switch because they
12 didn't like working on the south unit. So I was
13 actually being placed on one of the hardest
14 units to work, and I was not happy with that.
15 That was unacceptable to me, and that's how I
16 found out about this one.

17 Q Why did Mr. Kistler indicate he was
18 moving you out of the south unit?

19 A Because I was being accused of abuse.

20 Q Is that something that you had seen they
21 had done to other MHTs?

22 A When other MHTs had been accused of
23 abuse, they were actually suspended until their
24 investigation was over with.

25 Q Would you rather have been suspended?

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1 A Absolutely.

2 Q Why?

3 A Because I didn't want to work on the
4 most aggressive traumatic unit at the facility.
5 I felt that I was being set up, put in a
6 position to where I was already being accused of
7 abuse and being put on that unit. I was going
8 to have to physically restrain someone and be
9 accused of something else, and I didn't feel
10 that was fair or have that possibility come up.

11 Q What unit were you placed on?

12 A They called it the trauma unit.

13 Q What types of patients were in the
14 trauma unit?

15 A Severely aggressive patients. I
16 couldn't even tell you. It was ridiculous to
17 work over there.

18 Q You mentioned that Mr. Kistler
19 initially informed you you were going to be
20 moved to the north unit?

21 A Uh-huh.

22 Q But an MHT on the north unit didn't want
23 to be transferred?

24 A To the south unit.

25 Q To the south unit.

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1 A Again, yes.

2 Q Do you remember who that MHT was that
3 didn't want to be transferred?

4 A Ms. Rhonda Adams.

5 Q Why do you say again?

6 A Because we had -- we've traded before.

7 Q When was that?

8 A I don't remember.

9 Q Was that during an investigation?

10 A Yes.

11 Q So you had previously been moved to the
12 north unit during an investigation?

13 A Yes.

14 Q Are you aware of any other MHTs that
15 were moved to different units during
16 investigations?

17 A No.

18 Q Are you saying it never happened or you
19 were never aware of any?

20 A I wasn't aware of any because the MHTs
21 that I had known, which were mostly male, to be
22 under investigation for abuse were actually
23 suspended until the investigation was concluded.

24 Q Were you aware of any other female MHTs
25 that were being investigated for abuse?

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1 A No.

2 Q Why do you think sending you to the
3 trauma unit was setting you up to fail?

4 A Because they were already having
5 staffing issues and nobody wanted to work over
6 there, and I feel as though they took this
7 opportunity to say, hey, you know, she's already
8 -- I mean, because this investigation came just
9 before I was put on probation. So, I mean,
10 that's why I feel like it was a setup because
11 they couldn't get me out any other way and this
12 was the only way. There were incidents that
13 came up while I was on that unit as well, so I
14 worked there for about a week. My co-workers
15 were forewarned to report me if I didn't
16 complete my job.

17 Q You don't think it's appropriate for
18 them to keep an eye on someone who's under
19 investigation for abuse?

20 A No, and I -- I mean, I think it's okay
21 to do that, but I also expressed to Mr. Kistler
22 that I would have preferred to have just been
23 suspended.

24 Q What was his response?

25 A I'm doing you a favor.

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1 Q You didn't feel like that was a favor?

2 A Absolutely not.

3 Q You said they were short staffed already
4 on the trauma unit?

5 A Yes.

6 Q Do you remember when you went to the
7 trauma unit, the date?

8 A I don't.

9 Q Was it after this March the 23th, 2009
10 investigation that we're looking at?

11 A I don't remember. It was during this
12 time. I don't remember what day it was.

13 Q Do you remember who you worked with on
14 the trauma unit?

15 A Ms. Angie. What's Angie's last name?
16 Luster, I believe, and David Burgland.

17 Q Anybody else?

18 A I don't think so.

19 Q Okay. What race was Ms. Luster?

20 A White.

21 Q What race was Mr. Burgland?

22 A White.

23 Q Had they done something wrong to be
24 placed on the trauma unit or was that their
25 normal --

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1 A No. They -- Ms. Angie hadn't been there
2 very long when the trauma unit opened up, so
3 that's where she went and Mr. Burgland was also
4 a new hire.

5 Q Is a trauma unit a place where they
6 typically put the new people?

7 A I don't know. I mean, they had just
8 opened up the new building and three other units
9 were opened up, so I don't know.

10 Q And you mentioned that you had
11 previously been transferred to another unit
12 during investigations. You were previously
13 swapped with Ms. Phillips, is that what you
14 said?

15 A No. With Ms. Adams to the north unit.

16 Q Okay. And you were okay with that
17 procedure or would you have preferred to have
18 been suspended during those investigations, too?

19 A I would have preferred to have been
20 suspended.

21 Q How come?

22 A Because per their handbook, it states
23 that if you are accused of abuse, you'll be
24 suspended until completion of the investigation.

25 Q Do you think the previous times you were

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1 transferred to the north unit were to set you
2 up?

3 A No. The north unit was actually an
4 easier unit to work.

5 Q How many times had you been transferred
6 to the north unit during an investigation?

7 A Just once.

8 Q How many times were you transferred to
9 the trauma unit during an investigation?

10 A Just once.

11 Q Were there any other times that you were
12 transferred somewhere else during an
13 investigation?

14 A No.

15 Q Were you ever suspended during an
16 investigation?

17 A No.

18 Q Okay. Mark this as 37, please. Do you
19 remember a situation where a patient complained
20 that you shut a door on her and threatened to
21 hit her?

22 (Exhibit 37 marked for identification)

23 A No.

24 Q Do you remember talking to Ms. Bonham
25 about an incident where a patient complained you

1 shut a door on her and threatened to hit her?

2 A No.

3 Q Do you remember seeing this document
4 during the unemployment procedure?

5 A I don't recall seeing this document, no.

6 Q Do you know who this refers to,
7 Ms. Beheard, Behard?

8 A Oh. Ms. B is what they called
9 Ms. Belinda. It appears like she's trying to
10 say, "Ms. B heard."

11 Q Okay. Who is Ms. B?

12 A Belinda Southard.

13 Q And that is an MHT on the north unit?

14 A On the north unit, yes.

15 Q Could we mark this as 38? Thank you.

16 At some point did you have a meeting with Jordan
17 Cooke, David Goodgame and Duane Harris?

18 (Exhibit 38 marked for identification)

19 A Yes.

20 Q Who is Jordan Cooke?

21 A I don't recall what her position is, but
22 I assume it has to do with HR.

23 Q Okay. Who is Duane Harris?

24 A I guess he's the director of HR.

25 Q Did you ever deal -- strike that. Did

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1 you deal with Ms. Cooke and Mr. Harris regarding
2 human resources issues?

3 A I don't understand your question.

4 Q Why is it your understanding that they
5 were in human resources?

6 A Just because I had turned in some paper
7 work for FMLA to Ms. Cooke and she was over at
8 Riverside and I had met with Duane before during
9 the hiring process over at the main facility.

10 Q Okay. So Mr. Harris handled HR
11 functions at the main facility and Ms. Cooke
12 handled HR functions at Riverside, is that
13 correct?

14 A I don't know. I would assume.

15 Q But that was your experience?

16 A Yes.

17 Q When we say the main facility on
18 Riverside, what is the main facility?

19 A Well, we call it the big mountain,
20 Shadow Mountain on 61st and Sheridan.

21 Q Shadow Mountain is also a psychiatric
22 hospital?

23 A Yes.

24 Q And Riverside is part of the Shadow
25 Mountain system?

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1 A Yes.

2 Q And that's a smaller psychiatric
3 hospital?

4 A Yes.

5 Q But they're all in the same system?

6 A Are they all owned by the same company,
7 Psychiatric Solutions? Yes.

8 Q They were owned by Psychiatric
9 Solutions.

10 A Okay.

11 Q How far away is Riverside from Shadow
12 Mountain?

13 A Just a few miles.

14 Q Did you ever work at the Shadow Mountain
15 facility?

16 A No.

17 Q How did this meeting occur? How were
18 you informed that there was going to be a
19 meeting?

20 A David Goodgame had come down to the unit
21 and asked if I could meet with them in the
22 conference room, and I said okay.

23 Q Okay. Then what happened?

24 A And when I got there, Ms. Cooke was
25 there and Mr. Harris was there and so was

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1 Mr. Goodgame.

2 Q And what did they say to you?

3 A I don't really recall what was said, but
4 this was given to me.

5 Q Well, did they discuss that they had
6 received 20 patient grievances alleging patient
7 rights violations?

8 A I don't recall.

9 Q Did they discuss that OCA had
10 investigated you on seven occasions?

11 A I don't recall what was said during that
12 meeting.

13 Q What does "call her grandma" mean?

14 A "Call her grandma" was a term that we
15 are to use if we saw a co-worker who not
16 necessarily was being inappropriate, but if we
17 felt that they needed a timeout just to get
18 away, we'd say, "Go call grandma."

19 Q Did you ever indicate to another
20 employee that they needed to take a timeout?

21 A Did I? No.

22 Q Did anyone ever indicate to you that you
23 needed to take a timeout?

24 A Yes.

25 Q When was the first time that happened?

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1 A The only time that's happened was when
2 -- the last investigation when Ms. B had come
3 over.

4 Q Did you think you needed to take a time
5 out in that situation?

6 A No.

7 Q Have you ever discussed with Ms. B that
8 you thought her telling you to call your grandma
9 was inappropriate or unnecessary?

10 A No, but what had happened was after I
11 received this, I showed it to her and I said,
12 "Look at this," and then she read it, and she
13 said, "That's not what I said," and she wrote a
14 statement in regards to what she said because
15 they had taken that and turned it completely
16 around.

17 Q What did she say she said?

18 A What I can remember from her letter that
19 she had written was that she didn't tell me to
20 go call my grandmother based on the fact that I
21 was engaging in negative behavior with a
22 patient, but that the patient was focused on me
23 and was upset, and I was on the phone with the
24 patient's father at the time which was why she
25 said, "Go call grandma," just to get me away so

1 the focus wasn't on me anymore.

2 Q Was it discussed during this meeting
3 that you'd be placed on a performance
4 improvement plan?

5 A Yes, it was.

6 Q And that you would be placed on a 90-day
7 probationary period?

8 A Yes, it was.

9 Q Did they tell you that you would be
10 under close supervision during that time period?

11 A What they told me was that once a week I
12 would need to write down things that had
13 happened on the unit and report it back to David
14 Goodgame and him and I would sit down and
15 discuss it.

16 Q Did that ever happen?

17 A No.

18 Q Why did you refuse to sign this
19 document?

20 A Because I wanted to review it first, and
21 I didn't also think it was fair that I was being
22 placed on 90 days probation after 20 or so
23 grievances and after seven investigations and
24 after I had already filed complaints with
25 outside agencies. That's why I didn't sign it.

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1 I didn't think it was fair.

2 Q Are you aware of anyone else who had
3 this many grievances?

4 A No. I wasn't aware I had that many. It
5 was news to me.

6 Q Are you aware of anyone else who was
7 investigated by OCA seven times?

8 A No. It was news to me that I was.

9 Q You had spoken with OCA several times
10 based on the investigations we looked at, right?

11 A Yes, and from what -- the conversations
12 that we had, not all of them were sit in the
13 conference room with a recorder. It was kind of
14 Stacy come and ask me some questions like she
15 always did. I didn't think anything of it nor
16 did I know I was being investigated.

17 Q Were some of them sit in a conference
18 room with a recorder situations?

19 A Twice there was.

20 Q With Stacy?

21 A No.

22 Q Who did those investigations?

23 A I don't recall. They were different
24 people. I don't know who they were. And one of
25 those times was actually not for me because I

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1 was a witness in one of them. One was geared
2 towards me; the other one wasn't.

3 Q Okay. Do you remember what the one that
4 was geared towards you was investigating?

5 A I recall it being about the incident
6 with the young lady who was hitting her head.

7 Q And that was not Ms. Bonham? Is that
8 what you testified?

9 A Yes.

10 Q And you don't know who it was?

11 A Yeah. I don't know who it was.

12 Q Were you told during this meeting that
13 if there were any other incidents, you might be
14 terminated?

15 A During this meeting, I don't recall.

16 Q Did you take this probationary period
17 seriously?

18 A I did. I received this on a Thursday.
19 That following Wednesday I was on vacation. I
20 returned that Monday, and I was put on
21 suspension. So I didn't have an opportunity to
22 take it as serious as I could have.

23 Q Mark this as 39, please. Are you aware
24 of any other employee at Riverside that was in a
25 similar situation to this that was placed on a

1 probationary period?

2 (Exhibit 39 marked for identification)

3 A No.

4 Q At some point did you file a complaint
5 against Ms. Koch indicating that she helped a
6 patient write a grievance against you?

7 A Yes.

8 Q What was the nature of that complaint?

9 A I don't recall because I haven't
10 reviewed any of those documents in a while, but
11 I do recall in a unit meeting in front of the
12 clinical staff as well as my co-workers, she did
13 admit to helping the patient of the last
14 investigation write that grievance.

15 Q Do you know if your report was
16 investigated?

17 A No, it was not.

18 Q How would you know if it was
19 investigated?

20 A Well, according to the handbook I'm
21 supposed to be notified when it is investigated,
22 when the investigation has concluded, and what
23 the results were. I never received any of that.

24 Q What was your problem with Ms. Koch
25 helping the patient fill out a grievance form?

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1 A I didn't have a problem with her helping
2 the patient. I had a problem with her helping
3 the patient with what to say, how to say it, and
4 the details of it. That's what I had a problem
5 with.

6 Q How do you know that Ms. Koch helped the
7 patient with what to say and the details?

8 A That's exactly what she stated in the
9 meeting, which is what I put in my complaint.

10 Q What did Ms. Koch say?

11 A I don't recall. I haven't looked at my
12 complaint in a while.

13 Q Were you there when Ms. Koch was
14 assisting the patient writing the grievance?

15 A No.

16 Q Did you see the grievance that Ms. Koch
17 allegedly helped the child write?

18 A No.

19 Q How did you become concerned that
20 Ms. Koch might have helped the child write a
21 grievance?

22 A Because the patient had told the other
23 staff members and they had told me.

24 Q Who is they?

25 A Ms. Woods and Mr. Johnson and Mr. Stone

1 come into contact with her very much, so...

2 Q Was she an MHT?

3 A Yes.

4 Q Have you ever seen this statement?

5 A No, I have not.

6 Q Do you remember when Ms. Koch was trying
7 to explain what she had done regarding helping
8 the patient fill out the grievance form?

9 A No, because after she had said she
10 helped, I needed to go call grandma then.

11 Q You mad at Ms. Koch?

12 A Absolutely.

13 Q Was Ms. Wilcox present during that
14 meeting?

15 A I don't remember.

16 Q Mark this as 41. Is there anything in
17 this statement that you think not accurate?

18 (Exhibit 41 marked for identification)

19 A I don't know.

20 Q You don't know if you disagree with
21 anything in that statement?

22 A I disagree with the part that she stated
23 "Margie said she helped her write -- helped her
24 with a few words she couldn't spell herself."

25 Q What about that do you disagree with?

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1 A The entire thing.

2 Q Margie didn't say that?

3 A I don't know. I wasn't in the room.

4 Q Could this patient read and write?

5 A Somewhat, yes.

6 Q Did she need help reading and writing?

7 A Reading on occasion if she didn't
8 understand a word, yes. Writing for the most
9 part she could handle, but if she needed help
10 spelling a word, she'd ask.

11 Q Did you ever help that particular
12 patient fill out a grievance form?

13 A No.

14 Q Did you ever help that patient write
15 anything?

16 A I've helped her with her schoolwork,
17 yes.

18 Q Patients attend school while they're at
19 the facility?

20 A Yes.

21 Q Do you think Ms. Koch didn't like you?

22 A Yes.

23 Q Why don't you think she liked you?

24 A Because I was black and female and she
25 doesn't get along with females very well.

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1 and you're only letting the males know and I
2 don't think that's right because I'm also a part
3 of this unit and I feel as though I need to be
4 included on what's going on, if there are any
5 changes made because, first of all, they're not
6 going to remember." That was just it.

7 Q What was your response to that?

8 A That was actually me talking to her.

9 Q Oh. What was her response to that?

10 A I don't get along with females very
11 well. That's how that whole thing came about.

12 Q What was your response?

13 A "Okay." What do you say to that?

14 Q Do you get along better with males or
15 females?

16 A I get along with both.

17 Q So you said Ms. Koch didn't keep you
18 updated on things that were going on on the unit
19 and you think that was because you were a
20 female, is that correct?

21 A Yes, and because she preferred to work
22 with males.

23 Q Anything else that Ms. Koch did you
24 think was based on the fact that you were a
25 female?

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1 A Other than those things, no.

2 Q Any other reason you don't think

3 Ms. Koch liked you?

4 A Probably because she thought I was a
5 bitch.

6 Q Why do you think she thought you were a
7 bitch?

8 A Because she would tell patients'
9 guardians that and they would speak on the phone
10 and they'd say, "You know, Ms. Margie doesn't
11 like you very well."

12 "What? What do you mean?"

13 "No. She calls you a bitch. She doesn't
14 like you very well."

15 Q Patients' parents would tell you that?

16 A Guardians, yeah.

17 Q Oh. Guardians?

18 A Uh-huh.

19 Q What was your response to that?

20 A I'm flabbergasted. First of all, why
21 are you discussing your dislike with me with
22 them? I mean, I think that's inappropriate for
23 one. Number two, if you have any concerns with
24 me, bring them to me. Don't tell anybody else
25 about them. I don't want those patients to

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1 think we're not a whole unit, you know. We're
2 not on the same page. I thought that was just
3 very inappropriate, disrespectful.

4 Q Did you ever address that with Ms. Koch?

5 A I did not. I just made my complaints.

6 Q Did you do anything that would make her
7 think you were a bitch?

8 A No, except for complaining about her
9 probably. That would be it.

10 Q You think that was some sort of
11 personality conflict between the two of you?

12 A It's a possibility.

13 Q Do you think Ms. Koch had a problem with
14 you because of your race?

15 A I think that played a little into it,
16 yes.

17 Q Why do you think that played into it?

18 A Because she would also tell these same
19 guardians how much she didn't like black people.
20 She'd make negative racist comments and they
21 would tell me, but then when Mr. Stone would,
22 you know, bring it to her attention, she'd say,
23 no, that was them who would say that, and, you
24 know, it's like okay. Who do you believe now?
25 No one. So everybody is a racist.

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1 Q So you're saying that Ms. Koch allegedly
2 made racist statements to guardians and the
3 guardians would tell you?

4 A Myself and Mr. Jamie, yes, but I've also
5 heard her make racial comments in the presence
6 of patients.

7 Q What kind of racial comments did she
8 make?

9 A Just about black people, how terrible
10 the country would be if a black man was running
11 it, you know, things like that. She nearly
12 incited a riot that day.

13 Q And this is the day of President Obama's
14 inauguration?

15 A That is correct.

16 Q Okay. So the country would be terrible
17 if we had a black president? That what you're
18 alleging she said?

19 A She stated how terrible the country
20 would be if a black man was running it is what
21 she stated.

22 Q Any other racist comments that she made?

23 A Not that I can recall.

24 Q Did you actually hear her say that the
25 country would be terrible if a black man was

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1 know, once they say that, I kind of don't want
2 to -- you know, what else did she say? No,
3 that's not me. Just that's enough for me, but
4 more than one guardian has come to me and told
5 me that she doesn't like black people, niggers,
6 you know.

7 Q Who used the N word then?

8 A Ms. Koch did.

9 Q According to the guardians?

10 A Yes.

11 Q You never heard Ms. Koch say she doesn't
12 like black people?

13 A No. I never heard her say that myself.

14 Q You never heard Ms. Koch use the N word?

15 A No.

16 Q You received those reports from
17 guardians?

18 A I'm sorry?

19 Q You received those reports from
20 guardians?

21 A Yes, when I would talk to them over the
22 telephone or if I had met with them in the
23 lobby.

24 Q Okay. Did Ms. Koch do anything to you
25 based on your race or gender or just make these

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1 **comments that you feel are racist?**

2 A She just made the comments that I felt
3 were racist besides being discriminatory against
4 me as a female when it came to concerns of the
5 unit. Those were basically it with her.

6 **Q As far as her not keeping you up to**
7 **speed on what was happening?**

8 A And not wanting to deal with me as a
9 female, things like that. Just not including
10 me.

11 **Q Ms. Koch didn't make any decisions about**
12 **your pay or assignments or anything, did she?**

13 A I don't know.

14 **Q Is this the incident report you**
15 **submitted regarding the alleged comment about**
16 **the president?**

17 A No.

18 **Q Okay. What is this document that I**
19 **handed you?**

20 A This is the complaint against Margie for
21 assisting a patient and filing a false report
22 against me lodging an external investigation.

23 **Q Okay. And that's the incident that we**
24 **discussed earlier, is that correct?**

25 A Yes.

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1 Q So you understand the importance of
2 confidentiality and patient privacy?

3 A I do.

4 Q Make this 43, please. There's an
5 incident on or about May the 4th of 2009
6 regarding an alleged knife in the facility.

7 (Exhibit 43 marked for identification)

8 A Yes.

9 Q What happened in that situation?

10 A That situation, myself and Mr. Jamie had
11 come on shift. We had gotten about halfway
12 through the shift when the kids had told us --
13 they were all just kind of sitting at the round
14 table and we were just sitting and chatting and
15 they said one of the patients had brought a
16 knife back Sunday from an overnight pass that he
17 had on Saturday, and myself and Mr. Jamie of
18 course asked, "Why didn't you guys tell staff?
19 Why are you guys waiting till now to say
20 anything about it?"

21 "We told 7:00 to 3:00 staff, but they never
22 do anything about it."

23 So myself and Mr. Jamie, we pulled that
24 patient to the side, let him know that this is
25 what we were told. We had him empty his

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1 A Yes.

2 Q You and Mr. Stone were involved in the
3 investigation of the alleged knife that turned
4 out to be a pen?

5 A I don't know if he was. I was targeted,
6 but I don't know if he was.

7 Q I'm saying you were investigating
8 whether or not a patient had a knife?

9 A Yes, we both did.

10 Q And did you report it to anyone else
11 other than Ms. Adkins?

12 A The nurse.

13 Q And you don't remember the nurse's name?

14 A I don't remember her name. Summer I
15 think was her name, but I don't know her last
16 name.

17 Q Okay. At that point you were still on
18 the trauma unit?

19 A No, I was back on the south unit.

20 Q On the south unit?

21 A Uh-huh.

22 Q How long were you on the trauma unit?

23 A I think it was just about a week. I
24 went on FMLA for about 20 or so days, and when I
25 had come back, I was told I could return to the

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1 south unit, and I returned April 20th.

2 Q Did you have any issues while you were
3 on the trauma unit as far as receiving
4 complaints or grievances from patients?

5 A No, but there was an incident where
6 myself and David Burgland, the guy who was the
7 core staff on the unit, we had to escort a
8 patient out of the utility closet where
9 chemicals and things were, and the director of
10 nursing, Pam Hoskins, had told us because she
11 wasn't present, we didn't need to file an
12 incident report or do the paper work for it.
13 Let Ms. Michelle know. We called David, and I
14 said, "Huh-uh, because somebody else was fired
15 for that just the week before. You guys got to
16 get me another way." So he said, "All right.
17 Just do the paper work and turn it in under my
18 desk -- or under my door," and I did.

19 Q So are you implying that that was some
20 sort of trick to get you fired?

21 A I felt it was, yes.

22 Q Who was responsible for that then?

23 A Pam Hoskins. She was the director of
24 nursing.

25 Q Do you think Ms. Hoskins was trying to

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1 A No. Myself and Mr. Stone didn't find a
2 pen. Ms. Michelle found a pen.

3 Q Okay. You and Mr. Stone bagged the pen?

4 A Yes, put it in a plastic Ziploc bag and
5 turned it into the nurse.

6 Q What was the next you heard about the
7 knife/pen investigation?

8 A When I received a phone call from
9 Ms. Cooke stating that I was being investigated
10 for the knife incident, and that was -- that was
11 that same day, the 4th. I had just returned
12 from vacation.

13 Q Was the vacation preplanned or was the
14 vacation because of all this stuff?

15 A No. It was preplanned.

16 Q What did you do on your vacation?

17 A I went to South Beach.

18 Q Sounds nice.

19 A Yeah. It was a good time.

20 Q So you come back to work and Ms. Cooke
21 called you. What did Ms. Cooke say?

22 A I don't recall.

23 Q Did she indicate that there was an
24 investigation going on about the pen?

25 A Yes.

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1 Q Do you remember what you said to
2 Ms. Cooke?

3 A I told her if I was being investigated I
4 would be recording this conversation.

5 Q Do you remember what her response was?

6 A I'll have to get back to you on that.

7 Q Did she get back to you on that?

8 A No. David Goodgame had come down and
9 asked to come and speak with him.

10 Q What did you say to Mr. -- or
11 Dr. Goodgame?

12 A I said, "Okay, but any conversation
13 we're going to have, I'm going to record it."

14 Q Why did you want to record the
15 conversation?

16 A Because I had been investigated and from
17 the last one words were taken and misconstrued,
18 and I didn't want that to happen again. That's
19 why.

20 Q Okay. Do you know if anyone else was
21 disciplined regarding the pen/knife incident?

22 A No, I do not.

23 Q Did you ever talk to Mr. Stone about
24 whether he was disciplined about that incident?

25 A No.

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1 Q Have you talked to Mr. Stone since you
2 were terminated from Riverside?

3 A I sent him a Facebook message in regards
4 to a CD he had released, but other than that,
5 no, I haven't talked to him.

6 Q Mr. Stone is a musician?

7 A Well, I wouldn't say a musician. He
8 sings and records songs and stuff, so...

9 Q Were you ever disciplined because of the
10 knife incident?

11 A I was indefinitely suspended because I
12 didn't comply with their, what they said, didn't
13 comply with their investigation.

14 Q What was the reason that they gave you
15 for not allowing you to record the interview?

16 A They didn't give a reason. I told them
17 it's not against HIPAA, and I said, but if you
18 guys choose to not let me record, I would like
19 to have another person present, and they didn't
20 want to do that either.

21 Q Were you aware of them ever letting
22 anyone else record an interview or an
23 investigation?

24 A No.

25 Q Are you aware of them ever allowing

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1 anyone else to have someone sit in on an
2 investigation or an interview?

3 A I don't know.

4 Q So no?

5 A I don't know if they have. I don't
6 know.

7 Q Okay. Did you indicate that you would
8 not speak with them unless you could have
9 someone sit in or record the conversation?

10 A Yes.

11 Q So based on that, they suspended you?

12 A Yes. They said, "Where we're at with
13 you," from David Goodgame, "is you're
14 suspended."

15 Q Did you think that was fair?

16 A No.

17 Q Do you think that was based on your
18 gender?

19 A No.

20 Q Do you think that was based on your
21 race?

22 A No.

23 Q What do you think it was based on?

24 A I think it was retaliatory based on the
25 complaints that I made with the Department of

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1 Q Was it before you were transferred to
2 the trauma unit?

3 A Yes.

4 Q What was your complaint?

5 A I don't recall. I haven't looked at it
6 in a while. I don't have it with me.

7 Q You do have a copy of it, though?

8 A I do.

9 Q Did Dr. Goodgame take your badge and
10 keys from you when you refused to participate in
11 the investigation without a witness or a
12 recording?

13 A Yes. He did take my badge and keys.

14 Q And you were asked to get your things
15 off the unit?

16 A Yes.

17 Q Did you make a phone call at that point?

18 A I did.

19 Q Who did you call?

20 A I called my mother.

21 Q Told her that they suspended you?

22 A Yes.

23 Q Did Dr. Goodgame ask you not to use the
24 phone in the facility?

25 A I don't recall him saying that to me,

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1 no.

2 Q Are you aware of Riverside's policy
3 prohibiting phones on the --

4 A There was a document that had come out
5 that I received in the packet for the
6 unemployment hearing, that there was a memo that
7 had come out that I wasn't aware of. It was on
8 April the 20th, and I had just come back. I had
9 never signed a training status that I was aware
10 of it. No, I was not aware of it. I had been
11 gone for nearly a month.

12 Q Okay. So you're saying the phone policy
13 was implemented while you were out?

14 A That is correct.

15 Q And you were not aware of it when you
16 came back?

17 A That is correct.

18 Q Do you know if any of the patients were
19 upset by your conversation they overheard when
20 you were speaking with your mother on your cell
21 phone?

22 A I don't know.

23 Q Were there kids present at that time?

24 A Yes. They were having group actually, I
25 think.

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1 Q Do you remember receiving this letter?

2 A Yes.

3 Q And this indicates that you're being
4 terminated, is that correct?

5 A Yes.

6 Q And I assume that you disagree with the
7 reasons for your termination?

8 A Yes.

9 Q Okay. Mark this as 45, please. What
10 time do you need to leave?

11 (Exhibit 45 marked for identification)

12 A It's about 20 minutes from here, so if
13 we could be done by 2:00, because I've still got
14 to get changed, that would be awesome.

15 Q I'll do my best.

16 A Okay.

17 Q Do you think your termination was based
18 on your race or gender?

19 A I feel as though it played a small part
20 in it based on the complaints that I made, but I
21 feel my termination was more retaliatory than
22 anything.

23 Q Okay. Is retaliatory based on you
24 mentioned the DOL complaints you made?

25 A And the EEOC complaints.

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1 Q Did you complain to the EEOC before you
2 were terminated?

3 A Yes.

4 Q Did Riverside know that you complained
5 to the EEOC before you were terminated?

6 A Yes.

7 Q Okay. What other complaints are you
8 alleging that you were retaliated against?

9 A For making a complaint about falsifying
10 documentation. I think that's it.

11 Q Okay. The documentation issue, what was
12 that?

13 A E-mails are being sent out and they're
14 trying to keep up with patients' charts and
15 everything. A lot of them had missing
16 information especially from MHTs who were no
17 longer there. They would come to staff who was
18 on that unit and say, oh, well, so and so -- you
19 worked with so and so that day, but they're no
20 longer here. We don't have their progress notes
21 for this day, so you need to write it. This
22 would be months after these people were gone,
23 and Krista Rosebrough, she would send out
24 e-mails about missing information from patients'
25 charts and things like that. Not only that, but

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1 Michelle Adkins was, I witnessed this myself,
2 have Mr. Kistler and Krista come to her and
3 coerce her into mass producing recreational
4 therapy notes as well as putting in ones that
5 were missing, just making them up. I was a
6 witness to this. So, yes, I did -- she -- I had
7 told her she needed to complain about that, file
8 a complaint so that they can't keep doing that.
9 I told her who it's going to come down to, who's
10 going to get in trouble for it. You are because
11 your name is on it. Don't do it.

12 Q Okay.

13 A So I filed the complaint.

14 Q Who did you file the complaint with?

15 A With the ValuesLine.

16 Q How many times did you call the
17 ValuesLine?

18 A Several times. I don't recall the
19 number to be exact, but there was several times.

20 Q Is the ValuesLine anonymous?

21 A Yes, you can be anonymous.

22 Q Did you choose to be anonymous?

23 A On some, yes, I did.

24 Q Okay. Which ones were you anonymous on?

25 A I don't recall.

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1 Q The racial one?

2 A I don't believe so, no.

3 Q The falsifying documents one?

4 A I don't think so.

5 Q You don't remember?

6 A Yeah, I don't remember.

7 Q Why don't we take five minutes and go to
8 the restroom or whatever.

9 A Okay.

10 (Short break at 12:45 p.m., resumed at 12:52

11 p.m.)

12 Q (BY MS. MCDOWELL) We're back on the
13 record after a quick break. Do you remember
14 writing that statement on Facebook about Satori?

15 A Yes.

16 Q Is that an accurate description of your
17 feelings towards the Satori method?

18 A Absolutely.

19 Q Can we make this 46, please? Who is
20 Peanut Taylor?

21 (Exhibit 46 marked for identification)

22 A That's my brother. That's Claude.

23 Q Does he work at Riverside or Shadow
24 Mountain?

25 A He worked at Shadow Mountain briefly.

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1 Q Have you had any other negative
2 discussions with anyone about Satori?

3 A Yeah, just with co-workers. I mean,
4 we've always discussed how Satori doesn't work.

5 Q What is Cato?

6 A That's his last name.

7 Q Oh. What is the Cato method?

8 A I don't know. I don't know.

9 Q Okay. Have we discussed all the
10 allegations you allege you were discriminated
11 against based on your gender?

12 A Yes.

13 Q Have we discussed all the incidents
14 where you allege you were discriminated against
15 based on your race?

16 A Yes.

17 Q Have we discussed all the incidents
18 where you allege you were retaliated against?

19 A Yes.

20 Q Who at Riverside do you believe
21 discriminated against you?

22 A Margie, and I also feel as though there
23 was a nurse. I forget his name. He did as
24 well, but he quit, so -- but I also feel I was
25 discriminated against by Mr. Kistler as well in

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1 regards to not suspending me when others had
2 been suspended during an investigation.

3 Q Is that the only thing that Mr. Kistler
4 did that you believe was discriminatory?

5 A Yes. In regards to retaliation, he told
6 me and Mr. Jamie both that he knew it was me who
7 was making all of the complaints and
8 allegations.

9 Q Okay. Do you think Mr. Kistler did
10 anything to retaliate against you based on those
11 complaints?

12 A I feel as though he helped to initiate
13 the 90-day probation because it came about after
14 all 20 grievances, all seven or eight
15 investigations at the last minute. I had been
16 gone on FMLA, come back and here you go, sign
17 this. So I feel he had a hand in it as well.

18 Q Okay. So the retaliation was --

19 A Sorry. I took that.

20 Q -- Mr. Kistler you allege and the
21 discrimination was Ms. Koch, is that accurate?

22 A Yes.

23 Q Okay. You don't allege that Ms. Koch
24 retaliated against you, is that true?

25 A That is correct.

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1 Q Okay. Because she was more of a
2 co-worker than a supervisor?

3 A Right.

4 Q Okay. The nurse who quit, what did the
5 nurse who quit do that you believe was
6 discriminatory?

7 A He made racist comments as well, and he
8 was very disrespectful, and he would like to
9 start arguments, and he referred to black people
10 as you people and started an argument in front
11 of patients and I just felt that was
12 inappropriate.

13 Q Do you know if that nurse was fired?

14 A I don't know.

15 Q Do you know if he was investigated for
16 these alleged comments?

17 A Well, I made a complaint with the
18 ValuesLine, so I would assume, yes.

19 Q And the next thing you knew he was gone?

20 A Yes. I just assume he quit because he
21 hated it there. He had stated a lot he hates it
22 there.

23 Q But you don't know if he was
24 investigated and fired because of your
25 complaint? You just know that you complained

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1 and then he was gone?

2 A Yes.

3 Q So I have Ms. Koch, Mr. Kistler, and the
4 nurse who quit. Anybody else?

5 A No.

6 Q So that covers race, the gender, and the
7 retaliation claim, correct?

8 A Yes.

9 Q Did anyone replace you when you were
10 terminated?

11 A I don't know.

12 Q Is it a situation where they have a
13 particular spot and they replace people as
14 they're fired or quit or do they just kind of
15 hire as needed?

16 A I think they hire as needed and until
17 that position is filled, I'm pretty sure
18 somebody was taking extra shifts. I don't know.

19 Q Okay. You never heard Mr. Kistler make
20 any racist or gender --

21 A No.

22 Q -- related remarks? Is this an accurate
23 list of individuals with whom you worked?

24 A That was his name. From earlier, you
25 asked who helped interview me. Byron Watson was

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1 Q And this is your signature indicating
2 that everything in here is true and correct
3 signed on May the 27th, 2009, is that correct?

4 A That is correct.

5 Q Why don't you take a minute to look over
6 this, and let me know if everything in here is
7 true and correct?

8 A Yes.

9 Q And have we talked about everything
10 that's in this EEOC charge?

11 A Yes, we have.

12 Q Mark this, please, as 48. Do you know
13 when Riverside was first informed that you had
14 filed an EEOC charge?

15 (Exhibit 48 marked for identification)

16 A No, I do not.

17 Q How did you know to go to the EEOC?

18 A I had talked to my mother about some of
19 the issues that was going on, and she told me to
20 file it with the EEOC.

21 Q Have you been in contact with any
22 attorneys about your lawsuit?

23 A Yes. Initially when I first filed --
24 before I filed the lawsuit, I spoke with an
25 attorney, gave me some advice, and suggested

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1 gender and that they retaliated against you by
2 terminating you? Is that an accurate summary of
3 your allegations?

4 A Yes.

5 Q You're not alleging a hostile work
6 environment, is that true?

7 A That is correct. That was a part of my
8 initial complaint with the EEOC, but I did not
9 file that with this lawsuit, no.

10 Q Okay. So you made complaints and you
11 don't know whether or not Riverside investigated
12 those complaints, is that accurate?

13 A That is correct.

14 Q They had a complaint-making procedure in
15 place?

16 A Yes.

17 Q And you don't know whether they took
18 action to fix the issues you were complaining
19 about, is that true?

20 A That is true.

21 Q The trauma unit is the most difficult
22 unit you refer to in the complaint?

23 A Yes.

24 Q Who is April Burgin?

25 A April Burgin. I worked with her on the

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1 autism unit when I first started at Riverside.

2 Q Uh-huh. So you're alleging that she
3 admitted spitting on a male patient?

4 A That is correct.

5 Q And you're alleging that she was treated
6 better than you were?

7 A That is correct. I was only accused of
8 these things and she admitted to it, and I was
9 still subjected to many more investigations.

10 Q How do you know that Ms. Burgin admitted
11 to spitting on a patient?

12 A She told me. She had a meeting with --
13 David Goodgame was our therapist at the time,
14 and she had come back to the unit and we talked
15 about it.

16 Q What did she say?

17 A I don't recall what the entire
18 conversation was. I just remember her telling
19 me that it was because she spit on one patient
20 who was just a hot mess, really oppositional,
21 and I asked her, "Did you mean to spit on him?"
22 and she said, "Yes. I just hocked back and spit
23 on him." I said, "That's so gross." I mean, I
24 was new. I thought that was just gross.

25 Q She was interviewed then by the

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1 administration regarding that incident?

2 A Well, she talked to Dr. David about it.

3 I don't know if there was an investigation or
4 anything.

5 Q Okay. Do you know if she was
6 disciplined for that?

7 A I do not.

8 Q Did she say whether she was disciplined?

9 A I don't remember. I want to say she
10 told me that she was written up for it, but I
11 can't recall exactly if that's what she told me.

12 Q Chris Fields is a black male who you
13 allege would take breaks, smoke marijuana, and
14 smell like liquor?

15 A I don't know if he would smoke
16 marijuana. I just know when he would come back
17 from his extended breaks, he would smell like
18 marijuana and his eyes would be bloodshot, but I
19 -- you know.

20 Q You had never seen him smoke marijuana,
21 but he smelled like it?

22 A Yeah, he smelled like it. I never saw
23 him smoke it. I saw him smoke cigarettes on the
24 property, but not marijuana.

25 Q Is smoking cigarettes on the property

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1 **against the rules?**

2 A It is.

3 **Q Are you alleging that Mr. Fields was**
4 **treated better than you were?**

5 A Absolutely because after all these
6 complaints were made against him, and after it
7 was brought to Mr. Kistler's attention and he
8 interviewed the 3:00 to 11:00 staff, and after I
9 told him what I saw, he wasn't suspended, he
10 wasn't written up. He just went on about his
11 regular day as normal.

12 **Q Did you report Mr. Fields?**

13 A I'm the one who wrote the letter, yes.

14 **Q Was it an anonymous letter?**

15 A It was, and when Mr. Kistler asked to
16 speak with me about it, I told him I did.

17 **Q What did he say when he asked to talk to**
18 **you about it?**

19 A He asked me if I knew of anything that
20 was going on during the 3:00 to 11:00 shift with
21 Mr. Fields and I told him yes, and he asked me
22 what and I told him.

23 **Q Do you know if Mr. Fields was ever**
24 **disciplined regarding any of these issues?**

25 A I cannot say that I am aware of him

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1 being disciplined for it.

2 Q Do you know if Mr. Fields still works
3 there?

4 A I don't know.

5 Q Why isn't Mr. Fields on our list of
6 people who worked with you?

7 A Because he worked on the autism unit,
8 which our units were right across from each
9 other.

10 Q And this is a list of people who worked
11 with you on the south unit?

12 A I didn't work with all of these people.

13 Q Are these all people who worked on the
14 south unit then?

15 A Probably at one point, yes, but I
16 haven't worked with all of them.

17 Q Is there anyone else who you're alleging
18 was treated better than you besides Ms. Burgin
19 and Mr. Fields?

20 A No.

21 Q Okay. Do you remember when you reported
22 Ms. Koch to the HIPAA compliance office?

23 A We had a recertification class that we
24 were doing. I don't remember when it was. I
25 believe it was the beginning of 2008. I don't

1 CERTIFICATE

2 STATE OF OKLAHOMA)

3) SS:

4 COUNTY OF OKLAHOMA)

5 I, D. LUKE EPPS, Certified Shorthand
6 Reporter within and for the State of Oklahoma,
7 do hereby certify that the witness was by me
8 first duly sworn to testify the truth, the whole
9 truth and nothing but the truth, in the case
10 aforesaid; taken in shorthand and thereafter
11 transcribed; that the same was taken, pursuant
12 to stipulations hereinbefore set out; and that I
13 am not an attorney for nor relative of any of
14 said parties or otherwise interested in the
15 event of said action.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and seal this 29th day of
18 November, 2010.

19

20

21

22

23

24 D. Luke Epps, CSR, RPR

25 CSR No. 1841



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